

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2004/004328

International filing date (day/month/year)
11.10.2004

Priority date (day/month/year)
09.10.2003

International Patent Classification (IPC) or both national classification and IPC
E04H12/18

Applicant
JANILE LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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10/575117

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/GB2004/004328

1AP20 Rev'd PCT/PTO 07 APR 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/004328

Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	10,11
	No: Claims	1-9,12
Inventive step (IS)	Yes: Claims	10,11
	No: Claims	1-9,12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2004/004328

1 Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document/s/:

D1 : FR-A-2 633 000

D2 : US-A-6 276 811

D3 : GB-A-2 238 333

- 1.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

The document D1 discloses (see for example Fig. 7, the references in parentheses applying to this document):

a freestanding, portable, extendible mast arranged to support* a detection device., comprising a plurality of telescopic sections, each being moveable between a stored position and an extended position, wherein the mast is between 9.14 and 39.62 metres (i.e. between 30 and 130 feet)** in length when all the sections are in the elongated position***.

(*In the absence in the claim of any concrete technical feature associated with this expression, it has been interpreted to mean "suitable for supporting" - see PCT International Search and Preliminary Examination Guidelines 5.23;

** The unit of measure employed in claim 1 is not additionally expressed in terms of the units stipulated by Rule 10.1(a) PCT;

*** cf. p.1, line 7 of document D1)

- 1.2 Dependent claims 2-9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty, see documents D1, D2, D3, the corresponding passages cited in the search report and Box V of Form PCT/ISA/237.
- 1.3 Furthermore, the present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 12, to the extent that it can be understood*, is not new in the sense of Article 33(2) PCT, its combination of features* being already known from any of documents D1, D2 or D3.

(*The terms used in claim 12 are vague and unclear and leave the reader in doubt as to the meaning of the technical features to which they refers, thereby rendering the definition of the subject-matter of said claim unclear, Article 6 PCT.)

- 1.4 The document D3 is regarded as being the closest prior art to the subject-matter of independent claim 10 and shows (the references in parentheses applying to this document):

an extendible mast (3) comprising a plurality of telescopic sections (10-13), moveable between a stored position and an extended position, the first section (10) being provided with a longitudinal slot (10c), and an aperture (i.e. one of the three screw holes visible in Fig. 4); the mast further comprising a chain and sprocket wheel drive mechanism (6, 8, 24 etc.) for extending the sections, the chain including a linker (8) for connecting the chain to the section to be extended (i.e. second section 11).

The subject-matter of claim 10 differs from this known mast in that each section is provided with a longitudinal slot.

The subject-matter of claim 10 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as simplifying the structure of the mast, the technical effect of the above-mentioned difference being the possibility to eliminate the mechanism contained within the mast described in document D3, which ensures that as second "pipe post" 11 is extended with respect to first "pipe post" 10, the remaining sections of the mast (i.e. "pipe posts" 12 and 13) also extend.

The solution to this problem proposed in claim 10 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

Neither D3 nor any other available relevant prior art document discloses or even suggests attaching the chain and sprocket wheel drive mechanism to each mast section separately and in succession. In the absence of such a disclosure or suggestion the skilled person would be reluctant to do so since this would make the raising and lowering of the mast more cumbersome and time-consuming.

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- 1.5 Claim 11 is dependent on claim 10 and as such also meets the requirements of the PCT with respect to novelty and inventive step.